

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2078

AN ACT

AMENDING SECTION 41-2153, ARIZONA REVISED STATUTES; RELATING TO THE OFFICE OF MANUFACTURED HOUSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-2153, Arizona Revised Statutes, is amended to
3 read:

4 41-2153. Powers and duties of the deputy director; work by
5 unlicensed person; inspection agreement; permit

6 A. The deputy director under the authority and direction of the
7 director shall administer ~~the provisions of~~ this article and the rules
8 adopted by the board.

9 B. The deputy director shall:

10 1. Establish a state inspection and design approval bureau within the
11 office.

12 2. Enter into reciprocity agreements and compacts with other states or
13 private organizations which adopt and maintain standards of construction
14 reasonably consistent with those adopted pursuant to this article upon
15 determining that such standards are being enforced. The deputy director may
16 void such agreements upon determining such standards are not being
17 maintained.

18 3. Authorize affixment of insignia to indicate compliance with the
19 construction and installation requirements of this article.

20 4. Enter and inspect or investigate premises at reasonable times,
21 after presentation of credentials by the deputy director or personnel of the
22 office or under contract with the office, where units regulated by this
23 article are manufactured, sold or installed, to determine if any person has
24 violated this article or the rules adopted pursuant to article 1 of this
25 chapter.

26 5. Enter into agreements with local enforcement agencies to enforce
27 the installation standards in their jurisdiction provided the deputy director
28 is monitoring their performance to be consistent with the installation
29 standards of the office.

30 6. If an inspection reveals that a mobile home entering this state for
31 sale or installation is in violation of this chapter, order its use
32 discontinued and the mobile home or any portion of the mobile home vacated.
33 The order to vacate shall be served on the person occupying the mobile home
34 and copies of the order shall be posted at or on each exit of the mobile
35 home. The order to vacate shall include a reasonable period of time in which
36 the violation can be corrected.

37 7. If an inspection of a new installation of any mobile home or
38 manufactured home reveals that the natural gas or electrical connections of
39 the installation do not conform to the installation standards promulgated
40 pursuant to article 1 of this chapter and the nonconformance constitutes an
41 immediate danger to life and property, the inhabitants of the home shall be
42 notified immediately and in their absence a notice citing the violations
43 shall be posted in a conspicuous location. The deputy director may order
44 that the public service corporation, municipal corporation or other entity or
45 individual supplying the service to the unit discontinue such service. If

1 the danger is not immediate, the deputy director shall allow at least
2 twenty-four hours to correct the condition before ordering any
3 discontinuation of service.

4 8. If construction, installation, rebuilding or any other work is
5 performed in violation of this chapter or any rule adopted pursuant to this
6 chapter, order the work stopped. The order to stop work shall be served on
7 the person doing the work or on the person causing the work to be done. The
8 person served with the order shall immediately cease the work until
9 authorized by the office to continue.

10 9. Verify written complaints filed with the office by purchasers
11 within one year from the date of purchase or installation of
12 units. Complaints shall be accepted from consumers which allege violations
13 by any dealer, broker, salesperson, installer or manufacturer of this chapter
14 or the rules adopted pursuant to this chapter.

15 10. Upon verification of a complaint pursuant to paragraph 9 of this
16 subsection, serve notice to the dealer, broker, salesperson, installer or
17 manufacturer that such verified complaint shall be satisfied as specified by
18 the office.

19 C. Any dealer, broker, salesperson, installer or manufacturer licensed
20 by the office shall respond within thirty days to a notice served pursuant to
21 subsection B, paragraph 10 of this section. Failure to respond is grounds
22 for disciplinary action pursuant to section 41-2186.

23 D. If an inspection or an investigation reveals that any work that is
24 required to be performed by a licensee was performed by an unlicensed person
25 required to be licensed pursuant to this chapter, the deputy director, an
26 employee or a person under contract with the office may cite the unlicensed
27 person. The citation may be issued and served pursuant to section
28 13-3903. The action shall be filed in the justice court in the precinct
29 where the unlicensed activity occurred.

30 E. IF CONSTRUCTION, INSTALLATION, REBUILDING OR ANY OTHER WORK IS
31 BEING PERFORMED AND THERE IS NO VIOLATION OF THIS ARTICLE OR ANY RULE ADOPTED
32 PURSUANT TO THIS ARTICLE THAT PERTAINS TO QUALITY OF WORKMANSHIP BUT THE
33 DEPUTY DIRECTOR HAS CITED THE LICENSEE PERFORMING THE WORK FOR PAPERWORK
34 DEFICIENCIES, THE DEPUTY DIRECTOR SHALL:

35 1. IF THE PROJECT IS FIFTY PER CENT OR MORE COMPLETE, ALLOW THE
36 LICENSEE TO CONTINUE THE CONSTRUCTION, INSTALLATION, REBUILDING OR ANY OTHER
37 WORK UNTIL THE WORK IS COMPLETE AS PROVIDED IN THE CONTRACT.

38 2. IF THE PROJECT IS LESS THAN FIFTY PER CENT COMPLETE, ALLOW THE
39 LICENSEE TO CONTINUE THE CONSTRUCTION, INSTALLATION, REBUILDING OR ANY OTHER
40 WORK FOR A PERIOD OF NINETY DAYS.

41 E. F. The deputy director may enter into agreements with acceptable
42 qualified building inspection personnel or inspection organizations for
43 enforcement of inspection requirements ~~provided~~ IF the deputy director is
44 monitoring their performance to be consistent with this article, rules
45 adopted pursuant to this article and the established procedures of the

1 office. If the deputy director determines that the person's or
2 organization's performance is not consistent with this article, rules adopted
3 pursuant to this article and the established procedures of the office, the
4 person or organization may not enforce the contract and the aggrieved person
5 shall be entitled to a refund of the consideration paid under the agreement.

6 ~~F.~~ G. If a mobile or manufactured home or factory-built building is
7 installed without first obtaining an installation permit, the deputy director
8 shall send a written notice to the purchaser specifying that a permit is
9 required. If a permit is not obtained within thirty days of receipt of the
10 written notice, the department shall issue and serve by personal service or
11 certified mail a citation on the purchaser. Service of the citation by
12 certified mail is complete after forty-eight hours from the time of deposit
13 in the mail. On failure of the purchaser to comply with the citation within
14 twenty days of its receipt, the deputy director shall file an action in the
15 justice court in the precinct where installation occurred for violation of
16 this subsection.